



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,595	05/31/2007	Gerd Breiter	DE920030045US1	9859

33558 7590 09/29/2010
INTERNATIONAL BUSINESS MACHINES CORPORATION
Richard Lau
IPLAW DEPARTMENT / Bldg 008-2
2455 SOUTH ROAD - MS P386
POUGHKEEPSIE, NY 12601

EXAMINER

CHEEMA, UMAR

ART UNIT	PAPER NUMBER
----------	--------------

2444

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

09/29/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

poiqlaw2@us.ibm.com

Office Action Summary	Application No. 10/583,595	Applicant(s) BREITER ET AL.	
	Examiner UMAR CHEEMA	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2010 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/21/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendments

1. This action is in response to the amendment filed on 07/13/2010. Claims 12-26 are pending in this action. Claims 1-11 have been cancelled without prejudice and claims 12-26 are newly added claims.

Response to Arguments

2. Applicant's arguments filed 07/13/2010 have been fully considered but they are not persuasive. Applicant argues that none of the cited references teach or suggest at least, "multiple autonomic Correlation Services monitoring and controlling part of an overall managed system," as claimed in independent claims 12, 17 and 22. Applicant's argument has been fully considered but is not persuasive. As stated in previous office action, Feridun discloses wherein said multiple autonomic Correlation Services monitoring and controlling part of an overall managed system (see at least abstract, col. 2, lines 21-25; method of event correlation that preferably implemented within a distributed environment having a management server and further a method of event correlation that is preferably implemented within a distributed environment having a management server and a set of managed machines). Thus for at least given reason Bauer in view of Feridun teach or suggest applicant's claimed invention.

3. Examiner notes that the claimed "distributed resource, Correlation Services" are broadly recited, and are not limited by the claim language regarding any specific mechanics. At best, the claimed "distributed resource, Correlation Services" as recited in claims 12-26 have the functionality that are broadly interpreted and taught or suggest in Bauer and Feridun. The breadth of the claim language allows for such a reasonable interpretation. "[I]n considering the

Art Unit: 2444

disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom.” In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968). See MPEP 2144.01.

4. The breath of the claims allows for such an interpretation. Applicant employs broad language which includes the use of words and phrases which have broad meaning in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breath allows multiple interpretations and meaning which are broader than Applicant’s disclosure, the Examiner is forced to interpret the claim limitations as broadly as reasonably possible, in determining patentability of the disclosed invention. Again, claims are interpreted in light of the specification; limitations from the specification are not read into the claims. See *In re Van Geuns*, 998 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. Thus, for at least reasons provided above, it is examiner’s position that Bauer and Feridun teach or suggest each and every limitation of claims 12-26.

Information Disclosure Statement

6. The information disclosure statement (IDS) submitted on 03/21/2010 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

7. Figure 1 should be designated by a legend such as **--Prior Art--** because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR

Art Unit: 2444

1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

8. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed subject matter "managing distributed resources, distributed engine, management workflow engine, correlation services etc." must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

9. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

Art Unit: 2444

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

10. Claims 12-26 are objected to because of the following informalities: Claims 12-26 are objected because of grammatical mistakes, for example, applicant should use "a management system, method and a computer program product," instead of "management system, method and computer program product. Claims 18 and 20, on lines 2 of both claims contain ‘,-’ however, it is not clear whether applicant want to make amendment or cancel something out? Appropriate correction or clarification is required. Along with these mistakes, applicant is advised to review all of the claims carefully for more for any future grammar, stylistic changes such as use of indefinite article to introduce a claim, the use of semicolons between elements, and the parenthetical reference numbers in future response.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

Art Unit: 2444

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 12-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al. (hereinafter Bauer) (US Patent No. 6,690,788) in view of Feridun et al. (hereinafter Feridun) (US Patent No. 6,336,139).

12. As to claims 1-11, (Cancelled).

13. As to claim 12, Bauer discloses management system for managing distributed resources (11-16:61-66) **(135) (resource manager) (see Fig. 1)** comprising a digital computer managed system having an internal control system to provide for Stateful Web Services including a workflow engine (8:88) **(134) (Integrated Work Management Engine) (see Fig. 1)** that can execute management workflows in order to actively control the distributed resources (11-16; 61-66) **(Work Management engine is responsible for initiation and control of all workflow functions within the system) (see col. 6, lines 8-24)**, characterized in that autonomic Correlation Services (74-76) are introduced, providing multiple autonomic Correlation Services for monitoring and controlling part of said managed system that manage different functional parts of the managed system in cooperation with the workflow engine (88), whereby each Correlation Service (74-76) employs a Correlation Engine (174, 175) **(objectives and responsibilities of workflow management system based on rules engine and rules data) (see col. 8, line 58-col. 9, line 56)** and a set of rules (184, 185, 196) **(rules engine)** that describe how underlying resources (61-66) shall be managed in a Correlation Model, whereby a controller (44) communicates with the Correlation Services (74-76) **(rules engine and rules data for customer care center in integrated work management system) (see col. 9, lines 9-56).**

Art Unit: 2444

14. Although Bauer discloses substantial features of applicant's claimed invention, Bauer fails to disclose: wherein services are autonomic Correlation Services. Nevertheless, autonomic correlation services were well known in the art at the time of the present invention.

15. In analogous teaching, Feridun discloses wherein services are correlation services (see **abstract, col. 2, lines 21-25; method of event correlation that preferably implemented within a distributed environment having a management server**).

16. Thus, given the teaching of Feridun, it would have been obvious to one of the ordinary skill person in the art at the time of the invention to modify the teaching of Bauer to expressly disclose the management system with event correlation services. It would have been advantageously provide more efficient event correlation techniques within a distributed computer environment wherein distributed monitors use events to convey status changes in monitoring objects within the environment (Feridun: col. 1, lines 52-55).

17. As to claim 13, Bauer-Feridun discloses management system according to claim 12, wherein Feridun discloses the Correlation Services (74-76) directly (92) communicate with resources (61-66) (**correlation rules adapted to recognize a given pattern of one or more events indicative of given condition**) (see Fig. 8).

18. As to claim 14, Bauer-Feridun discloses management system according to claim 12, wherein Feridun further discloses rules for filtering low-level events issued by resources (61-66) are deployed into an Event Service Application (50) that is used to filter high-level events from low-level events (see **abstract, col. 2, lines 4-9; set of simple or "low-level" correlation rules which may be useful in recognizing a given pattern or one or more events indicative of given condition sought to be control or monitor**).

Art Unit: 2444

19. As to claim 15, Bauer-Feridun discloses management system according to claim 14, wherein Feridun discloses the controller (44) communicates with the Event Service Application (50) **(see abstract, col. 2, lines 4-9; set of simple or “low-level” correlation rules which may be useful in recognizing a given pattern or one or more events indicative of given condition sought to be control or monitor).**

20. As to claim 16, Bauer-Feridun management system according to claim 1, wherein Feridun discloses the Correlation Services are modeled as Stateful Web Services **(see col. 2, lines 41-58, col. 7, lines 3-13; (JVM) associated with a Web browser).**

21. As to claim 17, Bauer discloses method for managing distributed resources in a digital computer, **(135) (resource manager) (see Fig. 1)**, comprising: steps of: a) a user defined Correlation Model comprising the definitions of several Correlation Services for different functional parts of the managed system providing multiple autonomic Correlation Services for monitoring and controlling part of said distributed system **(Work Management engine is responsible for initiation and control of all workflow functions within the system) (see col. 6, lines 8-24);** and b) wherein a controller of said internal control system instantiates Correlation Services (74-76) as running Stateful Web Services in accordance with the definitions of the Correlation Model **(rules engine and rules data for customer care center in integrated work management system) (see col. 9, lines 9-56).**

22. Although Bauer discloses substantial features of applicant's claimed invention, Bauer fails to disclose: wherein services are autonomic correlation services. Nevertheless, autonomic correlation services were well known in the art at the time of the present invention.

Art Unit: 2444

23. In analogous teaching, Feridun discloses wherein services are correlation services (**see abstract, col. 2, lines 21-25; method of event correlation that preferably implemented within a distributed environment having a management server**).

24. Thus, given the teaching of Feridun, it would have been obvious to one of the ordinary skill person in the art at the time of the invention to modify the teaching of Bauer to expressly disclose the management system with event correlation services. It would have been advantageously provide more efficient event correlation techniques within a distributed computer environment wherein distributed monitors use events to convey status changes in monitoring objects within the environment (Feridun: col. 1, lines 52-55).

25. As to claim 18, Bauer-Feridun discloses method according to claim 17, wherein Feridun further comprising handles to all of the resources managed by a Correlation Service (74-76), are stored within that Correlation Service (**see abstract, col. 2, lines 4-9; recognizing a given pattern or one or more events indicative of given condition sought to be control or monitor**).

26. As to claim 19, Bauer-Feridun discloses the method according to claim 17, wherein Feridun further comprising, high-level events to which a specific Correlation Service (74-76) shall react, and in that respective Correlation Service (74-76) creates subscriptions with an Event Service (50) in order to be notified when such events are detected (**see abstract, col. 2, lines 4-9; set of simple or “low-level” correlation rules which may be useful in recognizing a given pattern or one or more events indicative of given condition sought to be control or monitor**).

Art Unit: 2444

27. As to claim 20, Bauer-Feridun discloses method according to claim 17, wherein Feridun further comprising, higher-level Correlation Services use Web Service introspection to see which events are issued by another Correlation Service (75, 76) (**see abstract, col. 2, lines 4-9; set of simple or “low-level” correlation rules which may be useful in recognizing a given pattern or one or more events indicative of given condition sought to be control or monitor**).

28. As to claim 21, Bauer-Feridun discloses the method according to claim 17, wherein Feridun further comprising, the Correlation Services (74-76) trigger the execution of workflows in order to actively manage their resources (61-66) (**see abstract, col. 2, lines 4-9; Fig. 6 and details associated**).

29. As to claims 22-26, these claimed limitation has already been addressed previously rejected claims 17-21, except being computer program product stored in the internal memory of a digital computer, therefore, are rejected for at least same rational as claims 17-21. Furthermore, with regards to claims 22-26 being computer program product, it would have been obvious for the method claims of 17-21 to have been form through the process of computer program product of claims 22-26.

Conclusion

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 2444

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-3037. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/U. C./

Examiner, Art Unit 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444